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January 3, 2024

Hon. Arun Subramanian
United States District Court
500 Pearl St.
New York, N.Y. 10007
via ECF

Re: United States v. Jarol Fabio,
24 Cr. 481 (AS)

Your Honor:

I write ask that the Court permit Jarol Fabio to use medical marijuana. As the Court is aware marijuana use, while legal in New York state, constitutes a violation of federal pre-trial release and supervised release restrictions. However under circumstances that justify it, the Court can permit limited and appropriate use of marijuana. Those circumstance exist in Jarol's case.

Based on his mental health diagnoses, Jarol has applied for and been granted a New York State medical cannabis patient certificate, which permits him to obtain and use marijuana from a N.Y. licensed dispensary.

In two recent cases, both Hon, Lewis A. Kaplan and Chief Judge Laura Taylor Swain have granted clients with N.Y.S. medical marijuana cards leave to use marijuana products. *United States v. Emile Anderson*, 16 Cr. 212 (LAK) (Exhibit D) and *United States v. Elvio Toribio*, 23 Cr. 279 (LTS) (at the December 17, 2024 sentencing the Court indicated that probation should not violate the defendant for using marijuana in accord with his N.Y.S. medical certificate)

The government, by Benjamin Gianforti, Esq., takes no position on this application. Therefore I request that the Court permit Jarol Fabio to use medical marijuana consistent with that permitted by his N.Y.S. certificate.

Respectfully,
Lisa Scolari
Lisa Scolari

SO ORDERED:

HON. ARUN SUBRAMANIAN

DENIED. While courts have authorized defendants to engage in medical marijuana use, such use still violates federal law. The Court doesn't see how it could authorize any defendant to engage in illegal conduct in this manner. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 42.

SO ORDERED.



Arun Subramanian, U.S.D.J.
Date: January 6, 2025